



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

Paper No. 11

JEFFREY C. HOOD  
MEYERTONS HOOD KIVLIN  
KOWERT & GOETZEL P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398

COPY MAILED

SEP 17 2004

OFFICE OF PETITIONS

In re Application of :  
Dinesh Nair et al :  
Application No. 09/639,420 : DECISION ON PETITION  
Filed: August 14, 2000 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. 5150-45500 :  
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 1, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of a prior filed nonprovisional application.

The petition is DISMISSED as moot.

The instant application was filed on August 14, 2000. A petition under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. See MPEP Section 201.11 and 65 FR 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the \$1,330.00 petition fee submitted is unnecessary and will be credited to petitioner's deposit account in due course.

The Notice of Change of Address filed on July 1, 2004 is noted and made of record.

Any inquiries concerning this decision may be directed to Wan Laymon at (703) 306-5685.

The application is being forwarded to Technology Center Art Unit 2621 for processing the amendment filed July 1, 2004.

*Frances Hicks*  
Frances Hicks  
Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy